

**United States District Court**

for the

**Eastern District of Washington**FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**Jun 24, 2022**

SEAN F. McAVOY, CLERK

**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Joseph Emery Malo, III

Case Number: 0980 2:19CR00104-WFN-1

Address of Offender: [REDACTED] Spokane, Washington 99202

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: January 22, 2020

Original Offense: Failure to Register as a Sex Offender, 18 U.S.C. § 2250(a)

Original Sentence: Probation - 60 Months Type of Supervision: Supervised Release

Revocation Sentence: Prison - 2 Months;  
(December 14, 2021) TSR - 34 Months

Asst. U.S. Attorney: Ann Wick

Date Supervision Commenced: December 29, 2021

Defense Attorney: Christina Wong

Date Supervision Expires: October 28, 2024

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**PETITIONING THE COURT**

To incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 06/03/2022, 06/17/2022 and 06/23/2022.

On December 29, 2021, Mr. Malo signed his conditions relative to case number 2:19CR00104-WFN-1, indicating he understood all conditions as ordered by the Court. Specifically, Mr. Malo was advised that he was to refrain from any unlawful use of a controlled substance.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number      Nature of Noncompliance

4

**Mandatory Condition # 3:** You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

**Supporting Evidence:** Mr. Joseph Malo is alleged to have violated mandatory condition number 3 by ingesting methamphetamine on or about June 13, 2022, based on urinalysis testing.

Specifically, on June 13, 2022, Mr. Malo reported to the contract provider in Spokane for random urinalysis testing following his assigned color being called by the provider. Mr. Malo subsequently submitted a presumptive positive urinalysis sample for both amphetamine and methamphetamine. On June 14, 2022, a drug use denial form was received from the provider in which the client signed his name and checked the box denying any use of illicit substances

Prob12C

**Re: Malo III, Joseph Emery**

**June 24, 2022**

**Page 2**

as indicated by the test.

On June 24, 2022, the lab report specific to the client's submitted urinalysis test on June 13, 2022, was received by the undersigned officer in which the sample was confirmed to be positive for both amphetamine and methamphetamine.

The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: June 24, 2022

s/ Chris Heinen

Chris Heinen  
U.S. Probation Officer

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## THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

6/24/2022

Date